



MAY 17 2004

Express Mail No. EV335860017US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Burrell Confirmation No.: 4511
Serial No.: 08/284,199 Art Unit: 1638
Filed: August 2, 1994 Examiner: David T. Fox
For: MODIFICATION OF PLANT Attorney Docket No: 9341-005-999
METABOLISM

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Mail Stop AF
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated November 17, 2003 of the Primary Examiner finally rejecting claims 68-96 of the above-identified application.

The item(s) checked below are appropriate:

1. An extension of time for responding to the final rejection for three month(s):
 was filed on
 is submitted herewith.
2. A timely response to the final rejection has been filed.
3. A fee in the amount of \$330.00 is:
 Required.
 Not required (Fee paid in prior appeal).
4. Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$165.00 is:
 Required.
 Not required (Fee paid in prior appeal).
5. Please charge the required fee, if any, to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

Respectfully submitted,

Samuel B. Abrams

30,605

(Reg. No.)

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Date: May 17, 2003

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